IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re PATENT application of:

Applicant:	Hans Meesen
Application No.:	10/780,113
Filing Date:	17 February 2004
Title:	DUNNAGE CONVERSION SYSTEM WITH MULTI-PLY WEB DETECTION
Examiner:	Hemant Desai
Art Unit:	3721
Atty. Docket No.	RANPP0352USA

Reply Brief

In response to Examiner's Answer mailed February 6, 2007

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

To establish a proper *prima facie* obviousness rejection, the Examiner must (1) show that every element of the claims is taught or suggested by the applied references, and (2) show that there is some teaching, suggestion or motivation to combine the teachings of the references in the proposed manner. The Examiner has failed on both counts, and therefore the rejections must be reversed.

First, neither Simmons nor Kopp disclose plural sensors respectively associated with separate infeed paths into a common conversion assembly.

Simmons discloses a multi-ply stock material being fed into a common conversion assembly. But Simmons teaches using a single sensor to control the motor that drives the conversion assembly. The sensor only stops the motor when the supply of stock material has run out, meaning no plies are detected.

Like Simmons, Kopp employs a single sensor to detect when the supply of stock material has run out. Also like Simmons, when that sensor detects the end of the supply, it stops a corresponding motor. The difference between Kopp and Simmons is that Kopp discloses several machines operating in parallel, each with its own sensor-motor combination, and each machine processing its own supply of single-ply rather than multi-ply stock material.

Since neither Simmons nor Kopp teach multiple sensors for detecting multiple plies of stock material being fed along respective infeed paths into a common conversion assembly, the obviousness rejection is improper unless there is some teaching or suggestion for modifying Simmons's machine to provide those sensors.

In the Examiner's Answer, the Examiner maintains that Kopp teaches modifying Simmons's system by providing a sensor for each of the multiple plies of sheet material that are fed into Simmons's machine. More particularly, the Examiner has taken the position that since Kopp provides a single sensor on the lone infeed path of each of a plurality of machines, it would have been obvious to provide a plurality of sensors for each of the plurality of infeed paths into Simmons's conversion assembly. This conclusion ignores the overall teachings of Kopp, and what Kopp teaches about the problems with Simmons's machine..

In Simmons's machine, one ply could run out without triggering the sensor to stop the conversion assembly as long as there is another ply. Kopp's use of a plurality of independently-operating machines does not solve that problem. Kopp's motivation for using multiple machines is that if any one machine has to be stopped for reloading, this

stoppage will not affect the operation of the other machines and the continued feeding of their respective plies (which Kopp refers to as "webs").

> In case one of the webs comes to an end, the associated clamping device 46 is, upon a signal from the corresponding sensor 7, released and the clamping device 53 is actuated. The shoes 26, 65 belonging to this web track are automatically deactivated because the sleds 20, 21 are blocked. The webs associated with the other web tracks continue their travel normally, while at the interrupted web track the supply reel for the web 2 is replaced and its leading web end is secured (stapled) to the trailing end of the preceding web.[1]

This suggests that Simmons could employ multiple conversion machines in parallel, but fails to provide a reason for the ordinary skilled person to solve Simmons's problems by using sensors that cooperate to stop all of the plies from feeding when any one ply runs out.

If the teachings of Simmons and Kopp are viewed in their entirety, their teachings do not suggest using multiple sensors to controllably feed multiple plies to a common conversion assembly along respective infeed paths. The Examiner's conclusory statements do not explain why the ordinary skilled person would have modified Simmons's conversion machine to employ multiple interlinked sensors to control the motor that drives Simmons's conversion assembly. Therefore the rejection must be based on hindsight.

And reliance on hindsight construction is an improper basis for an obviousness rejection. We respectfully request reversal of the rejections.

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[1] Kopp, col. 4, lines 55-64.

Conclusion

In view of the foregoing, it is respectfully submitted that the claims are patentable over the applied art and that the final rejection should be reversed.

Respectfully submitted,

RENNER, OTTO, BOISSELLE & SKLAR, LLP

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